

Amdt. dated January 15, 2009 submitted with RCE in
response to Office action of September 15, 2008

Serial No. 10/789,124
Docket No. SJO920030103US1
Firm No. 0037.0234

Amendments to the Drawings

Submitted herewith is a single new sheet of drawings.

Attachment: One new sheet of drawings.

REMARKS/ARGUMENTS

Interview Summary

Telephonic conversations we conducted between the Examiner, Tauqir Hussain and the Applicants' representative, Rabindranath Dutta, on the following dates:

- (a) December 31, 2008; and
- (b) January 14, 2009.

If the Examiner believes that further information on the discussions need to be made of record to comply with the requirements 37 CFR 1.133, Applicants request the Examiner to identify such further information.

Claims are amended for expediting prosecution

In this Amendment, Applicants have amended at least independent claim 1 and cancelled certain other claims. Applicants are not conceding that the subject matter encompassed by the claims prior to this Amendment is not patentable over the art cited by the Examiner. Claims were amended and/or cancelled in this Amendment solely to facilitate expeditious prosecution of the pending claims. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by the claims as presented prior to this Amendment, the original claims, and additional claims in one or more continuing applications.

Amendment to the drawings

Applicants have provided a new FIG. 6 in a new sheet of drawings to overcome the drawing objections as per discussions conducted with the Examiner. No new matter has been added and FIG. 6 corresponds to the requirements of claim 1.

Amendment to the Specification

Applicants have amended the specification to include a reference to the new FIG. 6. No new matter has been added.

Claim rejections under 35 U.S.C. 103

The Examiner rejected the claims in the office action dated 9/15/2008 under 35 U.S.C. 103(a) as being unpatentable over:

- (a) Connor (US 2004/0024863) ,
- (b) in view of Sheehy (US 7233957),
- (c) and further in view of CRC32.cpp (A component of the Greenstone digital library software form the New Zealand Digital Library Project at the University of Waikato, New Zealand).

Applicants have amended at least independent claim 1, canceled certain claims, and added new claims 37-53, and traverse the rejection of the claims.

Amended independent claim 1, and new independent claims 38, 46

Amended independent claim 1, and new independent claims 38, 46, require:

defining a plurality of network data aggregations, wherein the network data aggregations are based on switch boundaries, wherein interswitch links are used to define the plurality of network data aggregations, and wherein the network data aggregations are defined via an XML file using a DTD format;

computing a current state value for at least one of the network data aggregations, wherein the current state value is a CRC code, and wherein the CRC code is computed utilizing data associated with the corresponding network data aggregation and a CRC polynomial;

for at least one current state value, determining if the current state value is different than a corresponding prior state value for a corresponding network data aggregation; and

merging data corresponding with at least one network data aggregation determined to have a current state value that is different than a corresponding prior state value, with prior data corresponding with at least one different network data aggregation determined to have a current state value that is not different than a corresponding prior state value for the different network data aggregation.

The newly added requirements that interswitch links are used to define the plurality of network data aggregations, and wherein the network data aggregations are defined via an XML file using a DTD format are supported by paragraphs 37 and 38 of the Original Application.

Claims 38 and 46 are system and computer readable storage medium form claims corresponding to the method claim 1.

Applicants submit that the cited Connor, the cited Sheehy, and CRC32.app do not teach or suggest either alone or in combination the newly added claims requirements that interswitch links are used to define the plurality of network data aggregations, and wherein the network data aggregations are defined via an XML file using a DTD format.

Therefore, the claims requirements that interswitch links are used to define the plurality of network data aggregations, and wherein the network data aggregations are defined via an XML file using a DTD format, in combination with the other claim requirements of claims 1, 38, 46 cause claims 1, 38, 46 to be patentable over the cited art.

For the above reasons independent claims 1, 38, and 46 are patentable over the cited art.

New dependent claim 37, 45, 53

New dependent claims 37, 45, 53 that depend on independent claims 1, 38, 46 respectively, require that “the switch boundaries are defined at links that are chosen to minimize a number of links at the switch boundaries.”

The requirements of new dependent claims 37, 45, 53 are supported by at least paragraph 37 of the Original Application.

Applicants submit that the cited Connor, the cited Sheehy, and CRC32.app does not teach or suggest either alone or in combination the claim requirements that “the switch boundaries are defined at links that are chosen to minimize a number of links at the switch boundaries.”

For the above reasons dependent claims 1, 38, 46 are patentable over the cited art.

New claims 38-53

New claims 38-53 are system and computer readable storage medium form of method claims 1, 8, 10-11, 16-18, 37. Non-method forms of claims had earlier been canceled in the Application in the response dated May 14, 2008.

Dependent claims 8, 10-11, 16-18, 37, 39-45, 47-53

These pending claims depend on the pending independent claims 1, 38, and 46 that the applicant submits as patentable. Accordingly claims 8, 10-11, 16-18, 37, 39-45, 47-53 provide additional grounds of patentability over the cited art.

Conclusion

For all the above reasons, Applicant submits that the pending claims are patentable. Should any additional fees be required beyond those paid, please charge Deposit Account No. 09-0466.

The attorney of record invites the Examiner to contact him at (310) 557-2292 if the Examiner believes such contact would advance the prosecution of the case.

Dated: January 15, 2009

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